

REMARKS

Claims 1-8 are pending in this application.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Koo et al. (U.S. Patent Application Publication No. 2004/0106426) in view of Cordier et al. (U.S. Patent No. 6,765,897). Claims 2-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koo in view of Ostman et al. (U.S. Patent No. 6,529,494).

The present invention is a method for adjusting initial downlink transmit power for non-real-time services.

The Examiner admits that Koo fails to disclose a method wherein determining whether an increase in the estimated power level would degrade services neighboring cells, as recited in claim 1, and proposes that Cordier discloses such a method. The Examiner argues that Cordier “teaches a method of adjusting the initial downlink transmission power... (and) ...determining whether an increase in the estimated power level would degrade services in neighboring cells” (Office Action, page 2). Cordier does not teach or suggest the determining step recited in claim 1. Cordier discloses “a controller which supervises power allocation in all base stations of the network and controls downlink power... (by) ...determining the downlink power transmitted (to the) base station” (column 2, lines 58-63). Unlike the present invention, Cordier makes no mention of analysis of other neighboring

cells or of the degradation of services within the neighboring cells. Specifically, Cordier makes no determination of whether an increase in the power level would degrade services in the neighboring cells.

The Examiner further argues that the method of claim 1 wherein an adjustment is made (based on the determining step allegedly found in Cordier) to the initial downlink power is taught by Koo. Koo makes no reference to adjusting the initial downlink power based on a determination of whether an increase in the estimated power level would degrade services in neighboring cells. As such, the combination of Koo and Cordier does not teach or suggest the method recited in claim 1.

With regard to the Examiner's rejection of claim 2 as being unpatentable over Koo in view of Ostman, the Applicant disagrees for the following reasons. The disclosure of Ostman is fundamentally different from claim 2. Claim 2 recites a method comprising "calculating an estimated slot carrier power; comparing the estimated slot carrier power with a threshold; and adjusting the initial downlink transmit power based upon the comparison result". Ostman does not teach, disclose, or suggest such a method.

Ostman is directed to a method of making transmit power adjustments that resemble a typical fading event (column 2, lines 23-24 and column 5, lines 20-29). Ostman makes no reference to slot carrier power. More specifically, Ostman makes

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no reference to calculating an estimated slot carrier power, comparing the estimated slot carrier power with a threshold, or adjusting the initial downlink transmit power based on the comparison result. As Ostman does not disclose these key elements, neither Koo nor Ostman separately or in combination teach or suggest claim 2.

Based on the foregoing remarks, the combinations of Koo and Cordier and Koo and Ostman do not lead one of ordinary skill in the art to the invention recited in independent claims 1 and 2. Therefore, the independent claims (i.e., claims 1 and 2) are distinguishable over the cited references. Because the independent claims are distinguishable over the cited references, the dependent claims (i.e., claims 3-8) are also distinguishable over the cited references without the need for additional comment.

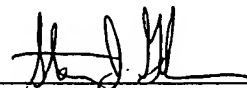
It is respectfully submitted that the remarks made herein place pending claims 1-8 in condition for allowance. Accordingly, entry of this amendment as well as reconsideration and allowance of pending claims 1-8 are respectfully requested.

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If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

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